

# YOUTH SERVICES POLICY

|  |  |
|--|--|
| <b>Title:</b> Searches of Visitors<br><b>Next Annual Review Date:</b> 05/29/2010   | <b>Type:</b> C. Field Operations<br><b>Sub Type:</b> 2. Security<br><b>Number:</b> C.2.5 |
|  | <b>Page 1 of 6</b>   |
| <b>References:</b><br>ACA Standards 2-CO-3A-01 (Administration of Correctional Agencies), 4-JCF-2A-01(Performance-Based Standards for Juvenile Correctional Facilities), and CJCA Performance Based Standard SaEP3; U.S. Constitution, 1st and 14th Amendments; Louisiana Constitution, Art. 1, Section 5; Thorne v. Jones, 765 F.2nd 1270 (U.S. 5th Cir., 1985); La. R.S. 14:402; and La. C.Cr.P. Art. 215.2 ; YS Policy No. C.5.1 "Performance Data and Information" |  |
| <b>STATUS: Approved</b>  |  |
| <b>Approved By:</b> <i>Mary L. Livers, MSW, Ph.D.</i><br><i>Deputy Secretary</i>   | <b>Date of Approval:</b> 05/29/2009  |

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the Deputy Secretary's policy regarding searches of visitors at facilities within Youth Services (YS) and to set forth the procedures to be followed when searching any visitor to a secure facility.

## III. APPLICABILITY:

Deputy Secretary, Deputy Assistant Secretaries, and all Facility Directors. Directors are responsible for implementing this policy and conveying its contents to affected employees, youth and visitors.

## IV. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. Louisiana law makes it a crime to bring contraband into a secure care facility (La. R.S. 14:402). Therefore, it is the policy of the Deputy Secretary to respect the prohibition against unreasonable searches while acting in the public interest to halt the flow of contraband into facilities under the jurisdiction of YS through implementation of a policy regarding visitor searches. Such searches shall be

conducted in a professional manner that minimizes indignity to the visitor while still accomplishing the objective of the search.

**V. DEFINITIONS:**

***Contraband*** - Any item(s) introduced or found in the facility, including any improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.

***Facility Grounds*** - Any place at the facility where youth may possibly have access, either supervised or unsupervised.

***General Search*** - A search whereby a person is required to remove his clothing down to his underwear, in order that his clothes be inspected for contraband and his person be observed.

***Official Facility Guest*** - Law enforcement officers, officials of YS, elected officials, approved news media representatives, Judges, Magistrates, Commissioners of the 19th Judicial District Court and court reporters who accompany them, Civil Service Referees, and any other facility guests as designated by the Director. (It is anticipated that facility guests of this classification would primarily be under staff escort or observation while within the facility.)

***Personal Searches*** -

- A. Pat-Down Search - A search of a fully clothed person, conducted for the purpose of discovering contraband.

The person being searched will be required to empty his pockets, purse, or any other item or place where contraband may be stored or carried.

The person being searched will be required to remove any wig or hairpiece worn by the person. This portion of the search must be conducted in a private place, out of the view of others.

The person being searched will also be required to remove all outerwear (coats, jackets, hats, caps, belts, gloves, shoes, socks, etc.) in order that these items be searched. He will also be required to run his hands through his hair and to open his mouth for inspection. The person will not be required to remove articles of clothing which are the person's basic dress (shirts, pants, dress, skirt, etc.).

The person conducting the search shall use his hands to touch the person being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump, bulge, etc., he will order the person being searched to disclose the source of the lump, bulge, etc. Failure to comply with this order constitutes reasonable suspicion.

- B. General Search - General searches may be conducted at any time with the approval of the Facility Director or his designee.

This search will be conducted in a private place, by two employees of the same sex as the person being searched and out of the view of persons other than those conducting the search. If the visitor claims he is not wearing underwear the general search will still be conducted.

- C. Strip Search - A visual search of a person's nude body, conducted by two employees of the same sex as the person being searched, in a private place and out of the view of persons other than those conducting the search. The person being searched will be required to bend over, squat, spread the cheeks of his buttocks and cough, stand up, turn around, raise his arms, lift the genitals and raise the breast. (The foregoing list is exemplary, not exclusive.) The clothing and all property of the person being searched shall be thoroughly searched prior to returning it.

**Probable Cause** - Articulated knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the staff member's knowledge and about which he has reasonable trustworthy information are sufficient to support a reasonable belief that an offense has been committed and that contraband may be found at the place or on the person to be searched.

**Property Searches** - Searches of personal property brought onto facility grounds including, but not limited to, vehicles, lunchboxes, purses, coats, jackets and briefcases.

**Reasonable Suspicion** - Reasonable suspicion is suspicion supported by facts, information, and/or circumstances which lead an employee of ordinary caution to believe that a person is secreting contraband in or on his body. Factors to consider in determining reasonable suspicion include:

Nature of the tip or information;  
Reliability of the information;  
Degree of corroboration of the tip or other information; and  
Other facts contributing to suspicion or lack thereof.

**Visitor** - Any person who is on facility grounds for an authorized visit, or who is attempting to gain entry to the grounds for a visit, to conduct business with YS staff or youth for purposes of a tour, as a volunteer, etc.

**VI. WHEN SEARCHES ARE PERMITTED:**

- A. Property Search: Property searches of visitors may be conducted at any time. Property searches of official facility guests may be conducted at any time, but should generally be conducted only when there is reasonable suspicion that the guest may be in possession of contraband.
- B. Pat-Down Search: Pat-down searches of visitors may be conducted at any time. Pat-down searches of official facility guests should be conducted only when there is reasonable suspicion that the guest may be in possession of contraband.
- C. General Search; or Strip Search. These searches require reasonable suspicion and/or probable cause directed toward the specific visitor or official facility guest. Facility staff must articulate specific objective facts and rational inferences drawn from them. Absent reasonable suspicion, these searches are prohibited. The consent of a visitor or an official facility guest to such a search does not make the search permissible, absent reasonable suspicion and/or probable cause directed toward that individual.

These searches may only be conducted with the approval of the Director or his designee. These searches will be conducted by one staff member and witnessed by one additional staff member of the same sex as the visitor or official facility guest being searched.

Where there is reasonable suspicion and/or probable cause that a visitor or an official facility guest is secreting contraband within a body cavity or in an area that could be discovered by conducting a visual body cavity search, the Director or his designee shall detain the visitor or official facility guest for a length of time not to exceed one hour, as allowed by C.Cr.P. Art. 215.2(A), and call law enforcement.

If the visitor or official facility guest to whom reasonable suspicion and/or probable cause is directed cooperates with the search and no contraband is found, the visit may proceed. If contraband is found, the visitor or special facility guest shall be detained and arrested as authorized by C.Cr.P. Art. 215.2(B) for arrest by a peace officer.

If the visitor or official facility guest refuses to be searched, the Director may instruct the person to leave the facility and withhold/suspend visiting privileges as outlined in Section IX below, or he may detain the person until law enforcement arrives as provided in C.Cr.P Art. 215.2 (B).

Any such occurrence shall be documented and reported as required by YS Policy No. C.5.1.

## **VII. SEARCHES BY NARCOTIC DOGS:**

Narcotic dogs may be used during a search at any time. Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs. Nationally recognized organizations include National Police Canine Association, United States Police Canine Association and National Narcotics Detector Dog Association. The Facility Director/designee or Investigative Services staff requesting narcotic dog services shall ensure that at the time of the request the dog(s) have current certifications.

## **VII. DISPOSITION OF CONTRABAND:**

Contraband will be disposed of in the following manner with documentation of the method of disposal.

- A. All perishable items shall be destroyed.
- B. The Facility Director may place items into lawful use at the facility. Clothing may be used for youth discharging from custody.
- C. Items may be donated to a charitable organization.
- D. Items of little or no value may be destroyed.
- E. Cash shall be disposed of in accordance with La. R.S. 14:402(F).
- F. Contraband as defined in La. R.S. 14:402 shall be turned over to law enforcement as evidence.

## **IX. SUSPENSION OF VISITING PRIVILEGES:**

If contraband is found on a visitor or if a visitor refuses to be searched or refuses to allow his property to be searched as provided in Section VI. of this policy, or violates any other rules of the facility, that particular visit may be halted, the visitor told to leave the facility and action taken as appropriate to suspend future visits to the facility.

If the offense is such that it is the Director's desire to remove the visitor from the visitor list (either indefinitely or for a fixed period time), the following procedure must be used:

- A. The Director, or his designee, must notify the visitor in writing that he has been removed from all applicable visiting lists, the reason for the removal, and when the removal will be reviewed. The notification shall include the visitor's right to appeal the Director's decision to the Deputy Secretary by sending a letter within fifteen days of the date of the notice;
- B. If the visitor exercises this appeal right, the Deputy Secretary, or his designee, will review the appeal and investigate, as appropriate, within thirty days of receipt of the appeal request. A hearing may be scheduled and the visitor will be notified of the time, date and location of the hearing;
- C. The Director, or his designee, shall submit a report to the Deputy Secretary setting forth any information that may assist him in making the decision. If a hearing is held, the Deputy Secretary, or his designee, may require the Director's presence. Otherwise, the hearing shall consist of a meeting between the visitor and the Deputy Secretary, or his designee, and shall be recorded.
- D. The Deputy Secretary shall render a written decision with reasons granting or denying the appeal and shall notify the visitor and the Director of the decision without undue delay.

**X. TRAINING:**

Each Unit Head shall ensure that all current employees receive training relative to the contents of this policy and all new employees receive this training either during orientation, during in-service training or other designated time. This policy is to be part of the annual in-service training curriculums. Instructions on how to file complaints must be readily available to staff.

**Previous Regulation/Policy Number:** C.2.5

**Previous Effective Date:** 06/14/2006

**Attachments/References:**